

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:17-cr-00111

EDDIE WAYNE CHAPMAN, JR.,

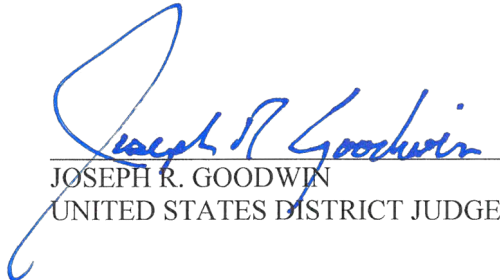
MEMORANDUM OPINION AND ORDER

Pending before the court is Defendant's pro se motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). [ECF No. 47]. For me to reduce or modify Mr. Chapman's sentence under compassionate release, I must first find that he has exhausted his administrative remedies or waited 30 days from petitioning the Warden at the facility in which he is housed, has demonstrated "extraordinary and compelling reasons," is not a danger to the safety of others, and find that his release is consistent with § 3553(a) factors. *See e.g., United States v. Howard*, No. 4:15-CR-00018-BR, 2020 WL 2200855, at \*2 (E.D.N.C. May 6, 2020); U.S.S.G. § 1B1.13 (2018). In this case, Mr. Chapman has not indicated that he has made any such required request to the Warden. Therefore, his motion, [ECF No. 47], is **DENIED without prejudice**. This ruling means that Mr. Chapman may petition the court again after making a request to the Warden *and* either exhausting his administrative remedies

through the Bureau of Prison's appeal process or waiting 30 days from the Warden's receipt of his request, whichever is earlier. *See* 18 U.S.C. § 3582(c)(1)(A).

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER:      October 1, 2020



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE